

MINUTES
REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

March 1, 2016

3:30 P.M. SCHEDULED SESSION

3:30 P.M. MEETING COMMENCED

ROLL CALL: Berlin Boyd, Joe Brown, Frank Colvett, Jr., Edmund Ford, Jr., Janis Fullilove, Reid Hedgepeth, Martavius Jones, Worth Morgan, Patrice Robinson, Philip Spinosa, Jr., Jamita Swearengen and Chairman Kemp Conrad. Bill Morrison was absent.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Rev. Willie Ward, from Mt. Pisgah CME Church. Councilwoman Swearengen presented Rev. Ward with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST QUADRANT OF I-40 AND HOLLYWOOD, CONTAINING 20.82 ACRES, VACANT LAND IN THE COMMERCIAL MIXED-USE-3 (CMU-3) ZONING DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING & DEVELOPMENT.**

Case No. PD 16-01

Held until April 19, 2016

13. **RESOLUTION APPROVING AN AMENDMENT TO THE EXCLUSIVE ARCHERY RIGHTS MEMORANDUM AGREEMENT WITH TWRA DATED APRIL 23, 2001, AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON OCTOBER 15, 2014. THIS RESOLUTION IS SPONSORED BY THE PORT COMMISSION. (HELD FROM 3/17; 5/19; 6/2; 7/7; 8/4; 9/15; 10/20; 1/19)**

Contract No. CR-5228

Held until May 3, 2016

MINUTES

Approval of the Minutes of the regular meeting of February 16, 2016 with the following motion:

MOTION: Ford
SECOND: Boyd
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Jones, Morgan, Robinson, Spinosa, Swearengen and Chairman Conrad
Hedgepeth did not cast a vote
Morrison was absent

APPROVED

1. **RESOLUTION DECLARING MARCH TO BE CEREBRAL PALSY AWARENESS MONTH IN THE CITY OF MEMPHIS, IN HONOR OF KIM TUTT AND ALL MEMPHIANS AFFECTED BY CP. THIS RESOLUTION IS SPONSORED BY COUNCILMAN BOYD.**

MOTION: Boyd
SECOND: Ford

(This item was read into the Records)

2. **RESOLUTION CONGRATULATING AND HONORING BOO MITCHELL FOR WINNING THE 2016 RECORD OF THE YEAR GRAMMY. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN SWEARENGEN.**

MOTION: Swearengen
SECOND: Fullilove

APPROVED, unanimous voice vote

CONSENT AGENDA – Items #6, #14 & #15 may be acted upon by one motion: SEE PAGE 3658 FOR ROLL CALL

6. RESOLUTION CORRECTING CLERICAL ERROR ON PREVIOUS ACTIONS TAKEN BY CITY COUNCIL ON 1/5/16 ON THE FINAL PLAT OF MD1 SUBDIVISION.

Case No. S 15-002

(Contract No. CR-5236)

Resolution corrects a clerical error that omitted “the preliminary plan for which was approved by the Memphis and Shelby County Land Use Control Board on April 9, 2015, on the first resolution of approval for the final plat on MD1 Subdivision.

City Engineer recommends approval

APPROVED

14. ORDINANCE AMENDING CHAPTER 25 OF THE CITY OF MEMPHIS CODE OF ORDINANCES, GOVERNING THE CITY PENSION SYSTEM, UP FOR F I R S T READING. ORDINANCE NO. 5611 IS SPONSORED BY COUNCILMAN SPINOSA.

APPROVED, on First reading

15. ORDINANCE AMENDING CHAPTER 21, ARTICLE VII OF THE CITY OF MEMPHIS, CODE OF ORDINANCES BY AMENDING SECTION 21-248, MEMPHIS POLICE CENTRAL RECORDS CHARGES AND FEES, UP FOR F I R S T READING. ORDINANCE NO. 5612 IS SPONSORED BY POLICE SERVICES.

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: Ford

SECOND: Hedgepeth

AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth Jones, Morgan, Spinosa,
Swearengen and Chairman Conrad
Robinson did not cast a vote
Morrison was absent

APPROVED

FISCAL CONSENT AGENDA – Items #7 & #8 may be acted upon by one motion:

7. RESOLUTION ACCEPTING FUNDING IN THE AMOUNT OF \$9,975.00, FROM TENNESSEE STATE LIBRARY AND ARCHIVES (TSLA) FOR MEMPHIS PUBLIC LIBRARY & INFORMATION CENTER FOR THE 2016 LIBRARY SERVICES AND TECHNOLOGY ACT TO PURCHASE TABLETS FOR LIBRARY PROGRAMS.

THIS RESOLUTION IS SPONSORED BY PARKS AND NEIGHBORHOODS DIVISION AND MEMPHIS PUBLIC NEIGHBORHOODS LIBRARY AND INFORMATION CENTER.

APPROVED

8. **RESOLUTION AMENDING THE FY 2016 OPERATING BUDGET BY ACCEPTING AND APPROPRIATING \$12,090.00 IN GRANT FUNDS FROM UNITED WAY OF METROPOLITAN NASHVILLE PASSED THROUGH DIVISION OF PARKS AND NEIGHBORHOODS AND MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER FOR LINC/2-1-1 OPERATIONS AND PERSONNEL. THIS RESOLUTION IS SPONSORED BY PARKS AND NEIGHBORHOODS DIVISION AND MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER.**

APPROVED

ROLL CALL FISCAL CONSENT ITEMS

MOTION: Fullilove
SECOND: Hedgepeth
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Spinosa, Swearngen and Chairman Conrad
Robinson did not cast a vote
Morrison was absent

APPROVED

16. **RESOLUTION INCLUDING IN-CAR VIDEO/GPS/BODY CAMERAS, CIP PROJECT NUMBER PD04022 AS PART OF THE POLICE DIVISION FISCAL YEAR 2016 CAPITAL IMPROVEMENT PROGRAM. THE CITY OF MEMPHIS HAS ENTERED INTO AN AGREEMENT WITH INSIGHT PUBLIC SECTOR, INC. AND WITH TASER INTERNATIONAL, INC. TO PROVIDE EQUIPMENT, SOFTWARE, WARRANTY, SUPPORT, TRAINING, PSA AND CLOUD STORAGE. IT IS NECESSARY TO APPROPRIATE \$3,380,000.00 FUNDED BY G.O. BONDS GENERAL AND \$1,500,000.00 FUNDED BY CAPITAL PAY GO, IN INFORMATION TECHNOLOGY EXPENSE CATEGORY, CIP PROJECT PD04022. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES.**

MOTION: Morgan
SECOND: Boyd
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Robinson, Spinosa, Swearngen and Chairman Conrad
Morrison was absent

APPROVED

17. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$75,000.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA INCUMBENT WORKER PROGRAM. THIS RESOLUTION IS SPONSORED BY WIN.**

MOTION: Boyd
SECOND: Ford
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Robinson, Spinosa, Swearengen and Chairman Conrad
Morrison was absent

APPROVED

18. **RESOLUTION ACCEPTING \$8,000.00 IN GRANT FUNDS FROM THE NATIONAL RECREATION AND PARK ASSOCIATION (NRPA) TO PILOT THE ACTIVE LIVING EVERY DAY (ALED) PROGRAM BY ENGAGING AT LEAST 60 SENIORS PARTICIPATING IN SENIOR PROGRAMS AT COMMUNITY AND/OR SENIOR CENTERS. RESOLUTION ALSO AMENDS THE FY 2016 OPERATING BUDGET BY \$8,000.00. THIS RESOLUTION IS SPONSORED BY PARK SERVICES.**

MOTION: Swearengen
SECOND: Colvett
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Robinson, Spinosa, Swearengen and Chairman Conrad
Morrison was absent

APPROVED

20. **RESOLUTION RE-ALLOCATING FY 2016 CAPITAL ACQUISITION SURPLUSES TO AID IN THE PURCHASE OF ADDITIONAL EQUIPMENT AND REPLACE VEHICLES IN THE AMOUNT OR \$842,436.00, PROJECT #GS0216A-G. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES.**

MOTION: Hedgepeth
SECOND: Spinosa
AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Jones, Morgan, Robinson, Spinosa, Swearengen and Chairman Conrad
Morrison was absent

APPROVED

21. **RESOLUTION REQUESTING THAT HUD CONSIDER AN IMMEDIATE DELAY IN THE ABATEMENT ACTIONS CURRENTLY UNDER WAY FOR RESIDENTS AT TULANE AND WARREN APARTMENTS AND THE CREATION OF A STAGED TRANSITION PLAN THAT ALLOWS RELOCATION OF THE RESIDENTS IN AN ORDERLY WAY. THIS RESOLUTION IS SPONSORED BY COUNCILMAN BROWN,**

COUNCILWOMAN FULLILOVE, COUNCILMAN JONES AND COUNCILWOMAN ROBINSON.

Chairman Conrad recognized the following person who spoke from the audience:

Georgia King, 741 Adams Avenue, #101, Memphis, Tennessee, 38105

MOTION: Fullilove

SECOND: Boyd

AYES: Boyd, Brown, Colvett, Ford, Fullilove, Jones, Morgan, Robinson, Spinosa,
Swearngen and Chairman Conrad
Hedgepeth did not cast a vote
Morrison was absent

APPROVED

22. **RESOLUTION DESIGNATING AND APPROVING VARIOUS USES AND PURPOSES FOR THE CITY'S PARK KNOWN AS OVERTON PARK. THIS RESOLUTION IS SPONSORED BY COUNCILMAN BOYD, COUNCILMAN BROWN, COUNCILMAN FORD, COUNCILWOMAN FULLILOVE, COUNCILMAN HEDGEPEETH, COUNCILMAN JONES, COUNCILMAN SPINOSA, COUNCILMAN MORRISON AND COUNCILWOMAN ROBINSON.**

Chairman Conrad recognized the following people who spoke from the audience:

Sherman Willmott, 505 Tennessee Street, Memphis, Tennessee, 38103
Mary Wilder, 672 N. Idlewild, Memphis, Tennessee, 38107
Gene Laurenzi, 309 N. Avalon, Memphis, Tennessee, 38112
Karen Casey, 1960 N. Parkway, #1004, Memphis, Tennessee, 38112
Lanae Peterson, 91 Clark Place, Memphis, Tennessee, 38104
Sam Goff, 143 Clark Place, Memphis, Tennessee, 38104
Melanie White, 1491 Vinton, Memphis, Tennessee, 38104
Eric Gottlies, 250 Buena Vista, Memphis, Tennessee, 38112
Catherine Wood, 5308 Shady Grove Road, Memphis, Tennessee, 38120
June West, 2282 Madison Avenue, Memphis, Tennessee, 38104
Gordon Alexander, 179 S. Rembert Street, Memphis, Tennessee, 38104
Ann Clements, 744 Center Drive, Memphis, Tennessee, 38112
Ernest Kelly, 218 Angelus Street, Memphis, Tennessee, 38112
David Cotton, 223 Kenilworth, Memphis, Tennessee, 38112
Kristen Schelder, 805 E. Parkway South, Memphis, Tennessee, 38104
Anna Hogan, 279 Stonewall, Memphis, Tennessee, 38112
Mary Norman, 555 Lemaster Street, Memphis, Tennessee, 38104
Bill Stegall, 316 Stonewall Street, Memphis, Tennessee, 38112
Mark Plumlee, 2917 Yale, Memphis, Tennessee, 38112
Carrie Kerley, 1813 Forrest Avenue, Memphis, Tennessee, 38112
Glenn Althoff, 1831 Young Avenue, Memphis, Tennessee, 38114
Steve Edmundson, 775 N. Auburndale, Memphis, Tennessee, 38107
Ava Middleton, 2054 Carr Avenue, Memphis, Tennessee, 38104

Don Donati, 1890 Overton Park, Memphis, Tennessee, 38112
 Catherine Nathan, 1877 Lyndale, Memphis, Tennessee, 38107
 Shannon Dixon, 1594 Forrest Avenue, Memphis, Tennessee, 38112
 Katy Leopard, 329 Buena Vista Place, Memphis, Tennessee, 38112
 Rodney Nash, 2119 Carr, Memphis, Tennessee, 38104
 Sam Warren, 215 Buena Vista Place, Memphis, Tennessee, 38112
 Bill Bullock, 465 Stonewall, Memphis, Tennessee, 38112
 Jessica Crowhover, 1488 Harbert Avenue, Memphis, Tennessee, 38104
 Lissa Thompson, 3545 Highland Park Place, Memphis, Tennessee, 38111
 Bob Nelson, 926 New York, Memphis, Tennessee, 38104
 Dennis Lynch, 347 N. McLean, Memphis, Tennessee, 38112
 Vincent Astor, 563 N. Trezevant, Memphis, Tennessee, 38112
 Stacey Greenberg, 2421 Autumn, Memphis, Tennessee, 38112
 Tina Sullivan, 2049 Carr Avenue, Memphis, Tennessee, 38104
 Ray Rohlman, 545 Lemaster, Memphis, Tennessee, 38104
 Barbara Swearengen Ware, 1636 Sydney Street, Memphis, Tennessee, 38108
 DeAndre Brown (No other information given on Appearance Card)

(Special Item #1 -Councilman Morgan made a motion to add tree removal and scrub removal to the language of this resolution. This was seconded by Councilman Ford. After discussion of this item, Councilman Morgan's amendment was added, without objection)

MAIN MOTION; Hedgepeth
 SECOND: Boyd
 AYES: Boyd, Brown, Colvett, Ford, Fullilove, Hedgepeth, Morgan, Robinson,
 Spinosa, Swearengen and Chairman Conrad
 NAY: Jones
 Morrison was absent

APPROVED, as amended

4. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHEAST CORNER OF JACKSON AVENUE AND N. FRONT STREET, CONTAINING 1.07 ACRES IN THE MIXED USE (MU) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING & DEVELOPMENT. (HELD FROM 9/1; 11/3; 12/15; 1/5; 1/19; 2/16)**

Case No. SUP 15-213

Applicant: Front Street Group, LLC
 Brenda Solomito Basar – Representative

Request: Allow an extended stay hotel and retail component

LUCB and OPD recommendation: APPROVAL

Chairman Conrad recognized the following person who spoke from the audience:
Kelley Rayne, 22 N. Front Street, Suite 200, Memphis, Tennessee, 38103

MOTION: Colvett
SECOND: Ford
AYES: Brown, Fullilove, Jones and Swearengen
NAYS: Boyd, Colvett, Hedgepeth, Morgan, Robinson, Spinosa and Chairman Conrad
Ford did not cast a vote
Morrison was absent

FAILED

5. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 139 VANCE AVENUE (PARCEL IDS_002120 00008C, 002120 00007, 002120 00006), CONTAINING 0.87± ACRE, VACANT PROPERTY IS USED AS PARKING WITHIN THE SOUTH MAIN (SM) ZONING DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING & DEVELOPMENT.**

Case No. SUP 16-04

Applicant: Henry & Cheri Rudner/NPH Investments
Cory Brady – Representative

Request: A Special User Permit to allow a hotel within the South Central Business Improvement District

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Colvett
SECOND: Boyd
AYES: Boyd, Brown, Colvett, Fullilove, Jones, Morgan, Robinson, Spinosa, Swearengen and Chairman Conrad
Ford and Hedgepeth did not cast a vote
Morrison was absent

APPROVED

19. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR MEMPHIS HOTEL PROPCO LLC, LOCATED AT 110 MONROE AVENUE. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING & DEVELOPMENT.**

Case No. HMW 16-01

MOTION: Colvett
SECOND: Boyd
AYES: Boyd, Brown, Colvett, Fullilove, Morgan, Robinson, Spinosa, Swearengen and Chairman Conrad

Ford, Hedgepeth and Jones did not cast a vote
Morrison was absent

APPROVED

9. **ORDINANCE TO AMEND CHAPTER 2, CODE OF ORDINANCES OF THE CITY OF MEMPHIS, SO AS TO ESTABLISH COMMUNITY ADVISORY COUNCILS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5557 IS SPONSORED BY COUNCILMAN FORD. (HELD FROM 8/19; 9/16; 10/21;11/18; 12/16; 1/20; 2/3; 2/17; 3/17; 4/21; 5/5; 6/2; 6/23; 7/21; 10/20; 12/15).**

Held until March 15, 2016

10. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$35,495.06 FROM THE COMMUNITY FOUNDATION, TO SUPPORT THE MAYOR'S TRANSITION COST FOR PUBLIC RELATIONS AND CONFERENCE & EVENT SERVICES. THIS RESOLUTION IS SPONSORED BY EXECUTIVE DIVISION.**

MOTION: Boyd
SECOND: Jones
AYES: Boyd, Brown, Colvett, Fullilove, Jones, Morgan, Robinson, Swearengen and
Chairman Conrad
Ford, Hedgepeth and Spinosa did not cast a vote
Morrison was absent

APPROVED

11. **RESOLUTION ACCEPTING A LOWCODE NURSE DISPATCH SOFTWARE PURCHASED BY SHELBY COUNTY GOVERNMENT, UNDER A PUBLIC HEALTH GRANT WITH AN ESTIMATED VALUE OF \$70,800.00. THIS RESOLUTION IS SPONSORED BY FIRE SERVICES.**

MOTION: Morgan
SECOND: Boyd
AYES: Boyd, Brown, Colvett, Fullilove, Jones, Morgan, Robinson and
Swearengen and Chairman Conrad
Ford, Hedgepeth and Spinosa did not cast a vote
Morrison was absent

APPROVED

12. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$1,995,000.00 FROM THE MORGAN NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE (DANY). THIS RESOLUTION IS CHAIRMAN, SPONSORED BY POLICE SERVICES.**

MOTION: Morgan

SECOND: Boyd
AYES: Boyd, Brown, Colvett, Fullilove, Jones, Morgan, Robinson, Spinoso, Swearengen
and Chairman Conrad
Ford and Hedgepeth did not cast a vote
Morrison was absent

APPROVED

(Special Item #2) - Councilwoman Fullilove made a motion to approve Same Night Minutes for Items #16, #17, #18, #19, #20, #21 & #22 from tonight's meeting.

MOTION: Fullilove
SECOND: Morgan
AYES: Boyd, Brown, Colvett, Fullilove, Jones, Morgan, Robinson, Spinoso, Swearengen
and Chairman Conrad
Ford and Hedgepeth did not cast a vote
Morrison did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Conrad recognized the following people who spoke from the audience:

Charles Todd, 787 Alice Avenue, Memphis, Tennessee, 38106
Sherrie Hopper, 4898 Alder Wood Drive, Millington, Tennessee, 38053
Lee Cochran, 179 Richbriar Street, Memphis, Tennessee, 38120
Minister Suhkara Yahweh, 870 E. McLemore Avenue, Memphis, Tennessee, 38106
Mykala Currie, 755 Burlington, Memphis, Tennessee, 38106
Walter Broady, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 7:25 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records